HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.28590 of 1997

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Between:

M/s. Sri Vijayashanti Enterprises,
Rep: by its Managing Partner,
Dandamudi Krishna, S/o Dasartha Ramaiah,
R/o State Bank of India Colony, Gunnanagundla,
Guntur District

……Petitioner

And

The Union of India, rep., by its
Finance Secretary, Central Secretariate,
New Delhi and two others

……Respondents

:: ORDER ::

Counsel for the Petitioners : None

Counsel for the Respondents : None

November 09, 2006

Per G.S. SINGHVI, CJ

In this petition, the petitioner has prayed for striking down Recovery of Debts due to Banks and Financial Institutions Act, 1993 (for short, 'the 1993 Act'). It has further prayed for issue of a mandamus for transfer of O.A No.897 of 1996 to the Court of Sub-Judge, Guntur.

Although no one has appeared for the petitioner, we do not consider it necessary to defer the disposal of the writ petition, because the constitutional validity of the 1993 Act has been upheld by the Supreme Court in **Union of India v. Delhi High Court Bar Association**[1].

Since the vires of the legislation impugned in the writ petition has been upheld, the petitioner's prayer for transfer of O.A No.897 of 1996 pending before Debts Recovery Tribunal at Bangalore is liable to be rejected.

With the above observations, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, interim order dated 01-11-1997 shall stand automatically vacated and WPMP No.22527 of 1997 filed by the petitioner for interim relief shall stand dismissed.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

08-11-2006
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[1] 2002 (4) SCC 275